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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/576,021	05/23/2000	Bahadir Erimli	95-311	4392

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EXAMINER

JONES, PRENELL P

ART UNIT	PAPER NUMBER
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2667

DATE MAILED: 11/14/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/576,021

Applicant(s)

ERIMLI ET AL.

Examiner

Prenell P Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/23/2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 12-17 is/are allowed.
- 6) ☐ Claim(s) 1-7 and 11 is/are rejected.
- 7) ☐ Claim(s) 8-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No.: _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jurkevich et al in view of Cox et al and Ginzboorg.

Regarding claims 1 and 11, Jurkevich discloses integrated services networks associated with telephone switching that includes prioritizing transmission of frames wherein the traffic routing is associated with different characteristics or attributes, wherein the caller (user-defined) has specific requested characteristics, (fig. 4) host processor coupled to switch. Jurkevich is silent on user-defined policies and prioritization of transmission depending on user-defined policies and user-selected attributes and switching associated with output port. In analogous art, Cox discloses policy management in a telecommunication network that consist of user-defined

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polices (Abstract, col. 3, line 33 thru col. 4, line 34, col. 8, line 15-55) which includes monitoring/analyzing traffic and its associated traffic properties as to prepare mapping traffic, prescribed actions, switching/mapping associated with allocation policies, Ginzboorg discloses (Abstract, col. 1, line 16 thru col. 2, line 60, col. 3, line 11-35) routing traffic in a telecommunication network whereby routing of traffic (frames) depends on caller (user-defined) selected attributes associated with selected polices, and Dobbins discloses transmitting data packets in a switched communication system that includes a secure fast packet switching network (SFPS) which is a (Abstract, col. 3, line 24 thru col. 4, line 53, col. 6, line 27-35) high performance packet switching (integrated switch) based on source and destination MAC ID's (MAC source/destination address) for making forwarding decisions wherein the switching device contains policy, (Fig. 2 and 7c, col. 15, line 46 thru col. 16, line 65, col. 18, line 53-63, col. 11, line 47 thru col. 12, line 31, col. 18, line 53-63) mapping associated with the outbound ports of switching device, (col. 34, line 13-27) connection table maintaining connections of input ports/output ports, identify outbound ports, call attributes, SFPS provides packet switching (routing frames) using service/configuration management system (defined policy) that users demand. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement user-defined polices and prioritization of transmission depending only on user-defined policies and user-selected attributes and switching associated with output port as taught by the combined teachings of Cox, Ginzboorg and Dobbins with the teachings of Jurkevich for the purpose of further managing transmission of data and eliminating contention in a communication switching system.

Regarding claims 2-7, as indicated above, Jurkevich discloses integrated services networks associated with telephone switching that includes prioritizing transmission of frames wherein the

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traffic routing is associated with different characteristics or attributes, wherein the caller (user-defined) has specific requested characteristics. Jurkevich is silent on user-defined policies and prioritization of transmission depending on user-defined policies and user-selected attributes, (fig. 4) host processor coupled to switch, Cox discloses policy management in a telecommunication network that consist of user-defined policies (Abstract, col. 3, line 33 thru col. 4, line 34, col. 8, line 15-55) which includes monitoring/analyzing traffic and its associated traffic properties as to prepare mapping traffic, prescribed actions, switching/mapping associated with allocation policies, and Ginzboorg discloses (Abstract, col. 1, line 16 thru col. 2, line 60, col. 3, line 11-35) routing traffic in a telecommunication network whereby routing of traffic (frames) depends on caller (user-defined) selected attributes associated with selected policies, Dobbins discloses transmitting data packets in a switched communication system that includes a secure fast packet switching network (SFPS) which is a (Abstract, col. 3, line 24 thru col. 4, line 53, col. 6, line 27-35) high performance packet switching (integrated switch) based on source and destination MAC ID's (MAC source/destination address) for making forwarding decisions wherein the switching device contains policy, (, col. 18, line 53-63, col. 11, line 47 thru col. 12, line 31, col. 18, line 53-63) mapping associated with the outbound ports of switching device, (col. 34, line 13-27) connection table maintaining connections of input ports/output ports, identify outbound ports, call attributes, SFPS provides packet switching (routing frames) using service/configuration management system (defined policy) that users demand. Dobbins further disclose (Fig. 2 and 7c, col. 13, line 54 thru col. 14, line 51, col. 15, line 46 thru col. 16, line 65,) host processor coupled to network switch. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement connected a host processor to a network switch as taught by Dobbins with the combined teachings of

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Jurkevich, Cox, and Ginzboorg for the purpose of controlling data switching policies through a programmable host processor and associated management applications.

Allowable Subject Matter

Claims 12-17 are allowed.

The following is an examiner's statement of reasons for allowance: Although the combined cited art Sabaa et al, Dobbins et al, Lau et al and Vig teach switching system that includes switching packets between devices and switching policies, they fail to teach/suggest prioritizing switching in an integrated network switch to an output port according to a user-defined policy and based on a user-selected attribute of the frame, a plurality switch ports wherein each switch port includes a port filter configured for determining a presence of a user-selected attribute in a received layer 2 type data frame and outputting a signal indicating the determined presence of the user-selected attribute for generation of switching decisions.

Claims 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Regarding claim 8, the limitation, "detecting the user-selected attribute within the data frame by one of the network switch ports having received frame, and notifying by the one network switch port the detected presence of the user-selected attribute to the switching module" is absent from the art. Claims 9 and 10 depend on claim 8, therefore, claims 9 and 10 are objected to as well.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

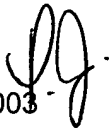
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P Jones whose telephone number is 703-305-0630. The examiner can normally be reached on 9:00-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 703-305-4378. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Prenell Jones

November 1, 2003



KWANG BIN YAO
PRIMARY EXAMINER

